

March 31, 2009

TO: Don Barber, Senior Field Representative
Washington Federation of State Employees (WFSE)

FROM: Teresa Parsons, SPHR
Director's Review Program Supervisor

SUBJECT: Zona Powell v. Department of Labor & Industries (LNI)
Allocation Review Request ALLO-07-079

On September 22, 2008, I conducted a Director's review conference at the Department of Personnel, 2828 Capitol Boulevard, Olympia, Washington, concerning the allocation of the following Office Manager positions at LNI:

Carolyn Randall	Position #235-0449
Jeanne Guthrie	Position #235-1007
Bonnie Hintz	Position #235-1927
Zona Powell	Position #235-0461
Chris Perales	Position #235-2105
Sheri Jessen Sasaki	Position #235-0460

The following individuals were present at the Director's review conference: Zona Powell and Jeanne Guthrie, along with WFSE representatives Don Barber and Dave Pardy; Human Resources Consultant Debbie Yantis and Classification Manager Sandi LaPalm represented LNI. The following individuals participated by telephone conference call: Sheri Jessen Sasaki; Chris Perales; and Bonnie Hintz, represented by Jennifer Mason, WFSE. Carolyn Randall was unable to participate.

During the Director's review conference the employees requested that we consider the Program Manager A classification as a fit for their positions. After the September 22, 2008 conference, Ms. LaPalm agreed to do a subsequent review to compare the employees' positions to the Program Manager A classification. Ms. LaPalm and Ms. Yantis met with Mr. Barber, Mr. Pardy, and Ms. Powell. On November 26, 2008, Ms. LaPalm issued a memorandum indicating that LNI still believed the Office Manager classification was the best fit for the above employees' positions (Exhibit D-1). On February 12, 2009, we received the employees' responses to LNI's November 26, 2008 determination (Exhibit F-2).

Director's Determination

This position review was based on the work assigned to the position, as documented on the July 19, 2007 Position Description Form (PDF) signed by Ms. Powell on July 31, 2007 (Exhibit B-F-4). As the Director's designee, I carefully considered all of the documentation in the file; the exhibits presented during the Director's review conference, as well as the verbal comments provided by both parties; and the subsequent documentation regarding allocation to the Program Manager A classification. Based on my review and analysis of Ms. Powell's assigned duties and responsibilities, I conclude her position is properly allocated to the Office Manager classification.

Background

The above positions have historically been in charge of the customer service functions provided at each of the field locations assigned to one of the six regions at LNI. Over the years, however, the organizational structure and reporting relationships have changed. At one time, these positions were Field Service Coordinator positions that reported to a Field Service Manager, similar to the current Customer Services Manager position. In years past, the field offices would accept paperwork and payments for items like registration or licensing but would forward the information to a central location at headquarters for processing. As a result of organizational changes, the field offices became more autonomous and the customer service processing functions moved to each individual field office location. The Field Service Coordinator positions then reported directly to the Regional Administrators, which resulted in the positions being reallocated to the Administrative Assistant 4 (AA 4) classification.

A subsequent reorganization resulted in changes to the reporting relationships in which the positions no longer reported to the Regional Administrators. Instead, the positions began reporting to a Customer Services Manager 4 (CSM 4) for each respective region. The CSM 4 positions were added to each region to alleviate some of the responsibilities of the Regional Administrators, including the number of direct reports. The CSM 4 positions also became responsible for coordinating field service location functions. The changes in the organization structure, reporting relationships, and management responsibilities prompted a review of Ms. Powell's and the other Administrative Assistant 4 positions assigned to manage the field offices.

On July, 19, 2008, the Human Resources Department received Ms. Powell's PDF. Ms. Yantis reviewed the duties and responsibilities assigned to Ms. Powell's position (#235-0461) and concluded the duties no longer met the definition of an AA 4. Ms. Yantis determined Ms. Powell's position did not "act as the assistant on administrative matters to the . . . head of a major sub-division or major operating location . . ." (Exhibit B-F-2). Ms. Yantis then considered the Customer Service Specialist 4 and Officer Manager classifications. She determined the Office Manager was a better fit because it encompassed both the customer service aspects of the job as well as duties relating to managing the office.

On August 27, 2007, Ms. Powell requested a Director's review of LNI's allocation determination.

Summary of Employees' Perspective (Randall, Guthrie, Hintz, Powell, Perales, and Jessen-Sasaki)

The employees assert the duties and responsibilities assigned to their positions have remained the same, except that they now report to a Customer Service Manager (CSM 4) rather than the Regional Administrator. The employees state they oversee customer service staff in field offices who assist customers with services such as licensing, registration, and permits for electrical and other contractors to ensure worker safety, as well as public safety. The employees assert the field offices process all paperwork and associated fees, review and correct transactions, run reports in revenue and financial reporting systems, monitor spending and allotments, and provide input into the regional budget.

In general, the employees assert they have responsibility for daily oversight of their respective locations and are viewed by the public as the person in charge. As a result, the employees contend they are responsible for fielding issues and finding resolutions, ranging from facility and safety issues to technology problems, such as telephone or computer. The employees contend they coordinate facility issues with vendors and have 24/7 responsibility. As an example, the employees indicate that they are contacted if an alarm goes off at the facility outside normal working hours. In addition, the employees state that they handle issues dealing with the card reader system and serve as system administrator.

The employees assert they do far more than oversee the management of an office. They contend their previous position reviews found that they "act as contract managers, account managers, budget specialist, and program specialists. . . ." In summary, the employees do not believe the Office Manager class covers the duties related to cash management, contracts, lease issues, remodel, or customer service, or that it reflects the autonomy required of their positions. The employees point out these positions often manage a field office where the CSM 4 is not housed onsite. Ideally, the employees believe an expansion of the Customer Service Manager class series, to include a CMS 3 level, would be the best option for their positions. However, given the existing classifications, the employees contend the Program Manager A classification is a better fit than the Office Manager.

Summary of LNI's Reasoning

LNI asserts the agency made changes to the existing Customer Service Program based on business needs and the needs of each Regional Administrator (statewide). As a result, LNI contends the reorganization resulted in changes to the structure of the field service offices providing service delivery. LNI asserts the agency created a new layer within the reporting structure that added a Customer Service Manager (CSM 4) to each region. LNI states that the above employees now report to a regional CSM 4 instead of a Regional Administrator. As a result, LNI asserts the CSM 4 positions have the responsibility for managing field service location issues and serving as part of the regional management team. LNI contends the employees have been assigned daily oversight of facility management and customer service issues. LNI states that the employees supervise the positions providing service delivery in the field service offices, as well as office administrative functions. LNI recognizes the employees

supervise staff ranging from customer service staff to office support to tax service representatives.

LNI agrees the employees direct customer service program activities, which may include a variety of services related to licensing, permits, telephone services, collections, or scheduling audits. LNI indicates the employees also support agency efforts to collect and respond to customer feedback for improvements. LNI states the employees review, monitor, and forecast expenditures and provide input for local regional budget planning. Similarly, LNI asserts the employees provide input for policy development and implementation, as well as property management. LNI acknowledges the employees have responsibility for the daily operation of the onsite facility operation, including 24/7 maintenance of a safe and secure worksite and coordination of workstations and related technology. However, LNI contends the majority of work assigned involves oversight and supervision of customer service and office functions. While LNI believes the duties are also included in the Customer Service Specialist 4 and Office Support 3 classes and points out they are the same pay range, LNI believes the Office Manager class includes the broader range of duties assigned to the employees' positions.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Both the former Personnel Appeals Board and the Personnel Resources Board have held that because a current and accurate description of a position's duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation determination must be based on the overall duties and responsibilities as documented in the classification questionnaire. Lawrence v. Dept of Social and Health Services, PAB No. ALLO-99-0027 (2000). The Position Description Form (PDF) replaced the Classification Questionnaire.

Ms. Powell works in the Longview Service Location and reports to Customer Service Manager (CSM 4) James Rainwood. In reviewing Ms. Powell's PDF, the position objective and majority of key work activities (60%) are described as follows (Exhibit B-F-4):

- Under the direction of the Customer Service Manager (CSM), the Office Manager is part of the regional extended management team and is responsible for the day-to-day operations of the local service location;
- Under the direction of the CSM, directly supervises the Customer Service Program staff responsible for providing localized customer service representing all divisions of Labor & Industries;
- Directs Customer Service Program activities;

- Responsibility for the day to day operation of the local facility, which includes 24/7 maintenance of safe and secure physical plant and/or special projects assigned by CSM (e.g. building, HVAC, security, voice/video, information systems);
- Assigns and coordinates workstations, phone, data, and security system modifications and maintenance;
- Serves as the first line of problem resolution for the Customer Service staff;
- As a team member, shares in the work of providing direct service to customers of all agency programs;
- Works with the CSM and other supervisors within the region and other regions to create/maintain consistent delivery of services;
- As assigned by the CSM, provides input in setting strategic direction for the Customer Service Program and the local region;
- As delegated by CSM develops and implements strategies and organizational systems for efficient, consistent service delivery across organizational boundaries;
- May work with other agencies and L&I committees to modify or provide services;
- Active involvement in work unit practices regarding cash management to ensure fiscal integrity;
- Reviews and monitors monthly expenditures; forecasts expenditures;
- Provides input into local region budget planning and development, policy development and implementation, and property management;
- Participates on regional and statewide teams for process improvement, policy development, and systems development affecting delivery of service for all programs in the region;
- Responsibility for directing, planning and organizing the delivery of department services, ensuring law/rule changes are incorporated into service delivery;
- Represents the department to local stakeholders and acts as point person for local issue resolution.

The work is assigned to the position as follows:

- Customer Service Manager gives direction and work;
- Many work assignments are assumed as the position resolves issues for Customer Service staff;
- From Central Office program managers and staff.

The customer service provided at each location relates to the three major operations of licensing, registration, and permits. However, services also include calls related to claims and other LNI services, as well as licensing and registration on behalf of Department of Revenue, Department of Licensing, and Employment Security Department. During the Director's review conference, the employees emphasized that they primarily oversee the staff performing these duties, as opposed to actually performing the customer service duties. In addition to overseeing staff handling the customer service functions, office support functions, and tax service functions, the employees have responsibility for the facility management. The responsibility for the onsite operation of the facility is included in the majority of work, identified as 60%.

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations.

The definition for the **Administrative Assistant 4 (AA 4)** classification indicates, in part, that positions "serve as the assistant on administrative matters to the . . . head of a major sub-division or major operating location of an agency . . ." (Exhibit G). In this case, the positions no longer report directly to the Regional Administrator. Instead, they report to a Customer Service Manager, classified as a CSM 4 position. Therefore, allocation to the AA 4 class is not the appropriate fit.

The definition of the **Program Manager A** reads as follows (Exhibit D-4):

Supervises a division of a major administrative department, operating unit or program undertaking relieving the senior official of operating and administrative detail. Plans, coordinates and implements all functions required by the activity.

The **Program Manager A** distinguishing characteristics include:

Program Managers administer, supervise, direct and advise on activities involved in providing an essential management service within the institution. They are responsible for advising and assisting, with minimal direction, the senior official and other administrators in the organization on matters pertaining to the program. The primary purpose of these positions is to achieve the goals and objectives of the program by providing, obtaining, and/or coordinating activities as they affect the institution.

Positions in this class involve a wide scope of complex duties and responsibilities in the management of a program which may involve a combination of two or more of the following services: Project management, funds management, contract administration, management analysis, property management, space management, program management, budget planning, public information, faculty, administrative, classified staff and student services administration, personnel administration, and staff supervision. Program Managers exercise independent judgment, and have been delegated decision-making authority. Program manager at the "A" level are typically first-line supervisors, and are characterized by their total responsibility for a program or management services to an administrative supervisor.

In addition, the Department of Personnel's (DOP's) Glossary of Classification Terms defines the following:

(<http://www.dop.wa.gov/CompClass/CompAndClassServices/Pages/HRProfessionalTools>)

Nature of work – Refers to the basic types of work assignments performed by the class:

Managerial – Duties performed involve planning, coordinating, integrating, executing, controlling and evaluating activities and functions of an organization including formulating budget, policies and procedures, service delivery, and staff supervision.

Program – A specialized area, which has specific complex components and discrete tasks that distinguish it from other programs (or the main body of an organization). A program is specific to a particular subject and has a specific mission, goals, and objectives. A program typically has an identifiable funding source and separate budget code.

The specific components and discrete, specialized tasks involve interpretation of policies, procedures and regulations, budget coordination/administration, independent functioning, and typically, public contact relating specifically to program subject matter, clients and participants.

Duties are not of a general support nature transferable from one program to another. Performance of clerical duties is in support of incumbent's performance of specialized tasks. Independent performance of the specialized tasks usually requires a training period of not less than six months.

Program Manager. Duties involve authority over:

- Developing program goals and objectives.
- Developing timetables and work plans to achieve program goals and objectives.
- Developing program policies and procedures.
- Preparing program budgets, adjusting allotments and authorizing expenditures.
- Controlling allocation of program resources.
- Setting and adjusting program priorities.
- Evaluating program effectiveness.

While the employees supervise and direct the activities of customer service and other support staff working at a field service location, they do not have the responsibility for managing the Customer Service Program or major segment of the program, as envisioned by the definition. Instead, the Customer Service Managers (CSM 4s) for each respective region have been tasked with handling the management aspects of the Customer Service Program. This is supported by the CSM 4 class series concept, which recognizes that CSM 4 positions "manage agency-wide programs that provide assistance and problem resolution to the agency clients/customers." The definition for the CSM 4 further indicates that CSM 4 positions "[m]anage a customer service unit for an agency" (Exhibit J). The CSM 4 positions are charged with relieving the Regional Administrator of the operating and administrative detail involving the management of the Customer Service Program.

The employees in this case have been assigned the responsibility for managing the daily operations of their respective locations. Further, the employees support the Customer Service Program by managing all aspects of the facilities, including the building, equipment, technology, and the safety and security of the employees and the facility. I understand the employees' viewpoint regarding an ideal "CSM 3" class; however, that classification does not exist within the classification plan. I also recognize that the employees may perform some

level of the work identified in the Program Manager A distinguishing characteristics and typical work examples. For example, the employees are first-line supervisors who serve as the first point of contact for issues that arise in their particular field offices. As a result, they understand the agency policies, procedures, and service agreements related to the Customer Service Program and the delivery of an array of services. They also monitor and review their own monthly expenditures and provide input into local regional budget planning and policy development and implementation. However, they have been assigned these tasks within the framework of providing input to the Customer Service Manager (CSM 4) positions. They have not been assigned these tasks in the context of having total responsibility for a program or management services to an administrative supervisor. When comparing the duties and level of responsibility of the employees' positions to the Program Manager A classification, I conclude the Program Manager A is not the best fit.

When comparing the duties and level of responsibility of the employees' positions to the Customer Service Specialist 4, they fit the definition of planning, organizing, and managing "a designated customer service program for an agency sub-division or location," and they "supervise customer service staff . . ." (Exhibit H). They also fit the Office Support Supervisor 3 in the sense that they supervise office support staff with a primary focus on customer service (Exhibit I).

The Office Manager definition indicates that such a position "[p]lans, organizes, assigns, and supervises varied and extensive processing and service units and related central office activities" (Exhibit K). While typical work examples do not form the basis for an allocation, they lend support to the level of work envisioned within a classification. The typical work described in the Office Manager job specification most in line with the work performed by the employees includes:

- Designing office space layouts to facilitate flow of office work between units and to various subdivisions of agency;
- Reviewing, evaluating, and recommending changes of policies and operating procedures;
- Determining need for office equipment, furniture, and supplies; coordinating purchasing and maintenance;
- Maintaining liaison and coordination between service and technical or professional units;
- Serving as department records management officer;
- Arranging for maintenance contracts and emergency repairs;
- Preparing policy directives for internal use.

The employees' positions have been assigned the responsibility for directing, planning and organizing the delivery of department services, ensuring law and rule changes are incorporated into service delivery. The responsibility for the daily operations of the local service location, including management of the facility, fits within the scope of the Office Manager classification. While the direct supervision of customer service staff fits within the Customer Service Specialist 4 classification, the Office Manager is an overall best fit, given the scope and variety of assignments.

The allocation of Ms. Powell's position does not diminish the quality or importance of the work she performs. It is evident the Office Manager positions play an integral role in ensuring quality service delivery to the agency's customers. A position's allocation is not a reflection of performance or an individual's ability to perform higher-level work. Rather, it is a comparison of the majority of work assigned to a position with the available job classifications. Based on the assignment of duties, the Office Manager classification best describes Ms. Powell's position #235-0461.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

c: Zona Powell
Sandi LaPalm, LNI
Lisa Skriletz, DOP

Enclosure: List of Exhibits

Zona Powell v. Labor and Industries

ALLO-07-079

List of Exhibits

A. Filed by Zona Powell August 27th, 2007:

1. Request for Director's Review Form
2. HR Allocation determination letter dated **August 1st, 2007:**
3. Position Description Form signed and dated

**B. Filed by LNI Debbie Yantis on August 30, 2007 and October 1st, 2007
(Includes cover letters dated August 28, 2007 and September 27, 2007)**

Employee Exhibits:

E-1 to E-3 Request for Directors Review Form.

Agency Exhibits:

F-1 to F-3 HR allocation determination letter dated August 1st, 2007

F-4 to F-11 Position Description Form dated and signed.

C. Filed by Zona Powell

1. Historical Summary of Issue
2. Management Memos
3. Updated Comparison of Duties, 2007
4. Activities with DOL, DOR, ESD
5. Revenue & Reconciliation Duties Part A & Part B
6. Decisions when Supervisor not available
7. How is work assigned
8. Office Leadership
9. "24/7" Responsibilities Emergency Response
10. Longview Staff Reporting Relationships
11. CSM Stationed Elsewhere
12. Business Resumption Plan
13. Changes in Reporting Relationship

D. Filed by LNI December 10, 2008:

1. November 26, 2008 Allocation Review decision from Sandi LaPalm
2. Regional Management Feedback on Program Manager A classification
3. Zona Powell's response to Agency's Position
4. Program Manager A classification specification

E. January 2-9, 2009 email correspondence regarding employees' response to LNI's November 26, 2008 decision.

F. Filed by employees on February 12, 2009:

1. Cover letter from Don Barber.
2. Zona Powell response to LNI's November 26, 2008 decision.
3. Jeanne Guthrie's and Chris Perales' responses to LNI's November 26, 2008 decision.
4. Bonnie Hintz's response to LNI's November 26, 2008 decision.
5. Carolyn Randall's response to LNI's November 26, 2008 decision.

G. Administrative Assistant 4 class specification.

H. Customer Service Specialist 4 class specification.

I. Office Support Supervisor 3 class specification.

J. Customer Service Manager 4 class specification.

K. Office Manager class specification.